

Clerk, U.S. District Court
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

JUN 30 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA
V.

**Pedro Villanueva
& Maria Eva Zamora**

CRIMINAL COMPLAINT

Case Number: C-15-820 M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 6/29/2015 in Brooks County, in the
(Date)

Southern District of Texas defendant(s) **Pedro Villanueva
& Maria Eva Zamora**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

See Attached Affidavit of U.S. Border Patrol Agent

George A. Torres

Continued on the attached sheet and made a part of this complaint:

Yes No

Signature of Complainant

George A. Torres

Printed Name of Complainant

Sworn to before me and signed in my presence,
and probable cause found on:

June 30, 2015

Date

Jason B. Libby , U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On June 29, 2015 at approximately 06:45 a.m., Pedro VILLANUEVA (a.k.a. Pedro Molina VILLANUEVA) and Maria Eva ZAMORA were arrested at the United States Border Patrol Checkpoint in Falfurrias, Texas upon Border Patrol Agents discovering the front seat passenger, Elmer PEREZ-ESPINOSA, to be illegally present in the United States.

FACTS/PROBABLE CAUSE:

On June 29, 2015, Border Patrol Agent Anthony D'Amico was assigned traffic check duties at the U.S. Border Patrol Checkpoint, located 13 miles south of Falfurrias, Texas. At approximately 06:45 a.m., a Gold Saturn L300 displaying Texas plates DYK 3626 approached the primary inspection lane for an immigration inspection of the occupants.

Once the vehicle was stopped in primary for its inspection of its passengers Agent D'Amico asked the driver, later identified as Pedro VILLANUEVA (a.k.a. Pedro Molina VILLANUEVA), if he was a United States citizen to which he replied "yes". Agent D'Amico looked over to the front seat passenger, later identified as Elmer PEREZ-ESPINOSA and asked him if he was a United States citizen to which he replied "yes." Agent D'Amico noticed that PEREZ-ESPINOSA looked over quickly to answer my question and then turned facing forward and remained very still. Agent D'Amico then asked VILLANUEVA if the vehicle he was driving was his, to which he replied "yes". Agent D'Amico asked VILLANUEVA what county the vehicle was registered in. VILLANUEVA mumbled something and began to open the glove box as to provide Agent D'Amico with a registration document. At that time, Agent D'Amico noticed that PEREZ-ESPINOSA was wearing a brand new shirt and pair of blue jeans, (a common trait when undocumented aliens are trying to pass through the check point). Based on Agent D'Amico's experience as a Border Patrol Agent, he proceeded to ask PEREZ-ESPINOSA more questions. Agent D'Amico asked PEREZ-ESPINOZA where he was born at to which he stuttered and made a long pause and finally answered what sounded like "Edinburg". After PEREZ-ESPINOSA answered Agent D'Amico's question VILLANUEVA stopped looking for his registration document and closed the glove box. VILLANUEVA did not provide Agent D'Amico with any registration document for the vehicle, and Agent D'Amico asked VILLANUEVA to park his vehicle in the secondary inspection area for further questioning. VILLANUEVA complied and parked in the secondary inspection area.

Once in secondary Border Patrol Agent R. Gonzalez began questioning PEREZ-ESPINOZA. Agent Gonzalez noticed that PEREZ-ESPINOSA was avoiding eye contact with him as Gonzalez asked where PEREZ-ESPINOSA was born. PEREZ-ESPINOZA answered "in Edinburg". Agent Gonzalez asked PEREZ-ESPINOSA if he had any identification to which he supplied a Mexican Voter Registration card to Agent Gonzalez. Agent Gonzalez asked PEREZ-ESPINOSA if he was present in the United States Illegally to which PEREZ-ESPINOZA replied "yes". At that time, PEREZ-ESPINOZA was placed under arrest for being illegally present in the United States and escorted in to the checkpoint. VILLANUEVA and ZAMORA were placed under arrest for alien smuggling and escorted into the checkpoint.

PRINCIPAL MIRANDA RIGHTS:

Agent D'Amico read VILLANUEVA his rights as per service form I-214 in his preferred English Language, with Border Patrol Agent A. Nichols as a witness. VILLANUEVA signed the form I-214 and was willing to make a statement at this time.

PRINCIPAL STATEMENT:

Pedro VILLANUEVA's statement is as follows:

VILLANUEVA stated that he was contacted by his ex-brother in law Efrain MARTINEZ, also known as "NENE", about making some extra money. VILLANUEVA stated that NENE would pay him \$800.00 U.S. Dollars to transport one undocumented alien to Houston, TX. VILLANUEVA stated that NENE gave him \$250.00 U.S. dollars upfront. VILLANUEVA stated that NENE provided him with a vehicle because VILLANUEVA did not have one. VILLANUEVA stated that NENE sent an unknown man to drop off the vehicle at his house (526 Somba St. San Benito, TX 78586) the night of June 28, 2015. VILLANUEVA stated that NENE instructed him to pick up a man, later identified as PEREZ-ESPINOSA, at the "Hudson house" in Harlingen, TX in room 33 early in the next morning. VILLANUEVA was instructed by NENE to tell PEREZ-ESPINOSA that "Nene sent me". VILLANUEVA stated that PEREZ-ESPINOSA got into the vehicle with him and sat in the front passenger seat. VILLANUEVA stated that ZAMORA was already in the vehicle and knew that PEREZ-ESPINOSA was illegally present in the United States. VILLANUEVA also stated that ZAMORA knew that they were going to receive a total of \$800.00 U.S. dollars for driving PEREZ-ESPINOSA to Houston, TX. VILLANUEVA stated that ZAMORA also knows who NENE is. VILLANUEVA stated that on the way north from Harlingen that the vehicle was experiencing problems and called NENE. VILLANUEVA stated that NENE instructed him to drive to the Stripes in Riviera, TX off Highway 77 and that NENE would pick up PEREZ-ESPINOSA and drive him the rest of the way to Houston, TX. VILLANUEVA stated that he has smuggled undocumented aliens four times without being caught and drove them to Houston, Tx. VILLANUEVA stated that he and his wife ZAMORA have been married for 26 years.

The remaining \$116.00 left from the \$250.00 given to VILLANUEVA from NENE was seized as evidence.

CO PRINCIPAL MIRANDA RIGHTS:

Agent D'Amico read ZAMORA her rights as per service form I-214 in her preferred English Language, with Border Patrol Agent A. Gutierrez as a witness. ZAMORA signed the form I-214 and was willing to make a statement at this time.

CO PRINCIPAL:

Maria Eva ZAMORA's statement is as follows:

ZAMORA states that she and VILLANUEVA have been married for 26 years. ZAMORA stated that she was aware that the passenger in the front seat was an undocumented alien and that she and VILLANUEVA would receive a total of \$800.00 U.S. dollars for transporting PEREZ-ESPINOSA to Houston, TX. ZAMORA stated that she and VILLANUEVA have smuggled aliens in the past and that she knows "NENE." ZAMORA stated that she and VILLANUEVA are being evicted from their home and need the money to pay the rent.

MATERIAL WITNESS MIRANDA RIGHTS:

PEREZ-ESPINOSA was read his rights as per service form I-214 in his preferred Spanish Language, with Border Patrol Agent H. Chavez as a witness. PEREZ-ESPINOSA signed the form I-214 and was willing to make a statement at this time.

MATERIAL WITNESSES STATEMENT:

PEREZ-ESPINOSA stated that he crossed the Rio Grande River two days ago on Saturday, June 27th, 2015. PEREZ-ESPINOSA stated that he paid \$1000.00 to cross and will pay another \$1000.00 when he got to Houston, TX. PEREZ-ESPINOSA stated that he crossed the border with two others. PEREZ-ESPINOSA said that a four door sedan picked the three of them up and drove approximately twenty minutes to an unknown hotel. PEREZ-ESPINOSA stated that he stayed in a hotel room for one night only. PEREZ-ESPINOSA stated that the next day the smuggler moved him to another hotel where he stayed on the second floor. PEREZ-ESPINOSA stated that he was picked up by at the hotel at approximately 5:30 a.m. by an unknown man. PEREZ-ESPINOSA states that he was instructed, prior to being picked up into the vehicle, to say "yes" to the U.S. citizen question, "Houston" for the destination question and "Edinburg" for the where are you coming from question at the Border Patrol checkpoint.

PEREZ-ESPINOSA was shown a CBP photo lineup of the driver and was able to positively identify VILLANUEVA as the driver of the vehicle. PEREZ-ESPINOSA was shown a CBP photo lineup of the rear passenger and was able positively identify ZAMORA as the rear passenger of the vehicle.

NOTE: Pedro VILLANUEVA and Maria Eva ZAMORA have a prior alien smuggling case. On May 19, 2015, both were arrested at the Sarita, Texas Border Checkpoint for transporting one undocumented alien. They were not prosecuted for the case and were released.

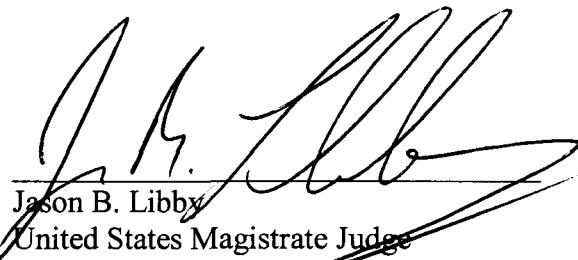
DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Brittany Jensen who accepted both Pedro VILLANUEVA and Maria Eva ZAMORA for prosecution of 8 USC 1324, Alien Smuggling. Elmer PEREZ-ESPINOSA was held as material witnesses in this case.



George A. Torres, Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this day, June 30th, 2015



Jason B. Libby
United States Magistrate Judge